



COMMONWEALTH of VIRGINIA

Jennifer L. Mitchell
Director

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
600 EAST MAIN STREET, SUITE 2102
RICHMOND, VA 23219-2416

(804) 786-4440
FAX (804) 225-3752
Virginia Relay Center
800-828-1120 (TDD)

DATE

OWNER NAME

ADDRESS 1

ADDRESS 2

RE: Notice of entry upon land for examination of land for transportation purposes

CITY OR COUNTY

Parcel Number(s) _____

Parcel Address(es) _____

Dear Property Owner:

As you may be aware, the Virginia Department of Rail and Public Transportation (DRPT) is preparing a Tier II Environmental Impact Statement (EIS) and preliminary engineering for the Washington, D.C. to Richmond Southeast High Speed Rail project in conjunction with the Federal Railroad Administration (FRA). Environmental review and approvals are required to support final design and future construction.

In order to effectively conduct the environmental study process for this transportation project, DRPT employees and its consultants may need to enter your property to conduct environmental studies. I am writing to provide notice that DRPT and its consultants including HDR Engineering, Inc., Moffatt & Nichol, Parsons, Dovetail Cultural Resources Group, and Rice Associates, may enter your property identified above between MONTH DAY, YEAR and MONTH DAY, YEAR. This notification is pursuant to Section 33.2-1011 of the *Code of Virginia*, which requires that you be given notice prior to entry. A copy of the Commissioner of Highways' letter authorizing employees of DRPT and our consultant team is enclosed, along with a project information flyer. **Please note that conducting environmental studies does not mean that improvement projects will occur on your property or that a decision on the improvements has been made.** The studies are being conducted for the purpose of gathering data and are early steps toward determining the project's feasibility and impacts of the potential improvements.

The Smartest Distance Between Two Points
www.drpt.virginia.gov

OWNER NAME

DATE

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Activities to take place on your property may potentially include locating physical features, taking photographs, and conducting testing as described in the attached project information flyer. During this period, multiple studies may need to occur on your property, including architectural history, identification of wetlands and regulated waters, wildlife habitat assessment, noise and vibration monitoring, and other studies. The survey teams will not need to enter any dwelling, building or other structure on your property

The project contemplates a series of rail improvements along the rail corridor from Arlington County to Centralia (in Chesterfield County). It will involve further analysis of the alignment of the route selected through the 2002 Tier I EIS and Record of Decision (ROD). Additional information may be found at the project website: www.DC2RVArail.com.

If you have any concerns regarding this environmental review, please contact Randy Selleck at 804-591-4442 or PropertyQuestions@DC2RVArail.com. If you are interested in receiving project updates regarding public information meetings, please provide us your email address at www.DC2RVArail.com. Should there be any need to further access your property for study purposes, we will contact you again either in person or by mail.

I appreciate your cooperation in planning and designing transportation improvements for your community and the citizens of Virginia.

Sincerely,



Emily Stock
Manager of Rail Planning

Enclosures: Authorization Letter from Virginia Department of Transportation Commissioner dated August 24, 2015

Project Information Flyer + Field Work Description

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www.drpt.virginia.gov



Many Ways to Stay On Track

There are many ways to stay up to date on the project.

- Visit our website at: www.DC2RVArail.com
- Sign up on the website to receive emailed updates
- Facebook: DC2RVArail
- Twitter: @DC2RVArail
- Email: info@DC2RVArail.com
- Call us toll-free at: 888-832-0900 or TDD 711
- Submit a question or comment online at any time

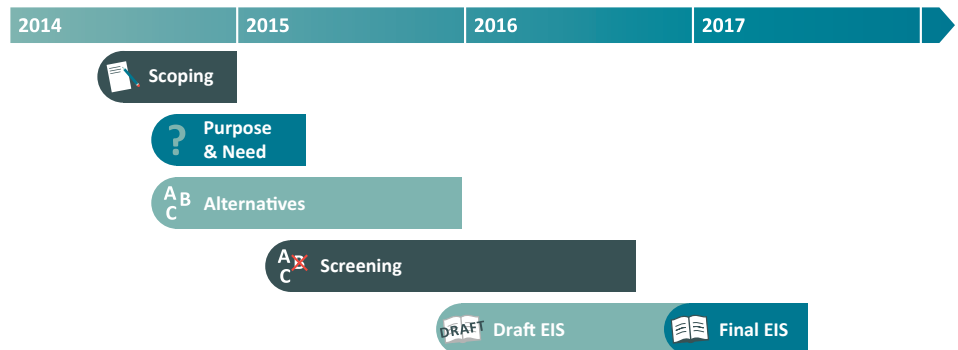


The Virginia Department of Rail and Public Transportation (DRPT) and the Federal Railroad Administration (FRA) are working to improve passenger rail service between Washington, D.C. and Richmond, Va. We are in the process of evaluating potential environmental impacts and benefits that may occur if changes are made to CSX's R, F & P rail line, which runs generally parallel to I-95.

The Project and Your Property

Because of your property's proximity to the project corridor, it may be necessary for DRPT and/or its consultants to enter your property to conduct environmental studies. Please note that conducting environmental studies does not mean that improvement projects will occur on your property or that a decision on the improvements has been made. The studies are only for the purpose of gathering data. DRPT and/or its consultants may conduct testing related to archaeological and other cultural resources, wildlife habitat assessment, identification of wetlands, study of streams, soil sampling, surveying, and noise monitoring.

Key Project Milestones



- **Scoping** (2014): Solicit public input on the issues and address concerns
- **Purpose & Need** (2014-2015): Establish why the project is needed
- **Alternatives** (2014-2015): Identify and consider alternatives that address the project's Purpose and Need
- **Screening** (2015-2016): Review alternatives that consider socio-economics, engineering, the environment, and cost
- **Draft EIS** (2016): The Environmental Impact Statement (EIS) describes the affected environment, alternatives, and impact analysis
- **Final EIS** (2017): Announce Proposed Action based on the Draft EIS

Field Work Description

To effectively conduct the environmental studies, state employees, consultants, and/or regulatory agency representatives may need to enter private property to locate and observe physical features, take photographs, record coordinates for later mapping, and conduct testing, including, but not limited to the activities described below. The studies will take place outside of any dwelling, building or other structure on private property. Our crews will access property as possible along existing roads, drives, and trails, and will make every reasonable effort not to adversely impact property in any way. The crews will carry photo identification and copies of the letters sent to the landowners in the area in which they are working.

Architectural History Survey

During architectural history surveys, staff may visit the property to observe the exteriors of the buildings, including homes, barns, garages, sheds, and other structures. The purpose of the review is to help determine whether a structure qualifies as an historic resource. The review will include photographs to document the building conditions. All work will be done in accordance with Department of Historic Resource standards.

Archaeological Surveys

During archaeological resource surveys, staff may visit the property to assess the potential for archaeological or cultural resources. This assessment will include shovel tests in some areas – during the shovel test, a small hole is dug and the dirt is sifted for artifacts. Potential artifacts are transported to a lab for identification and processing. The hole is filled prior to leaving the site. All work will be done in accordance with Department of Historic Resource standards.

Wildlife Habitat Assessment

Staff will visually observe the vegetation, topography, and other habitat features of an area to evaluate its likely use by various wildlife species. Species type, size, and density data may be collected within sample plots. No vegetation will be cleared, dug up, or otherwise removed, although leaf or twig samples may be taken from some plants for identification purposes.

Identification of Wetlands and other Regulated Waters

Many wetlands and waterways are protected by federal, state, and local regulations. Staff will delineate the boundaries of these protected resources through evaluation of vegetation type, visual evidence of surface hydrology, and soil indicators of periodic flooded conditions. Soil samples will be tested with an auger, leaving a small hole approximately 1.0 inch in diameter at each sampling location. Plastic flagging may be hung in adjacent tree branches to mark the boundary of the wetland.

Topographic and/or Aerial Surveys

Surveyors may enter the property to place fabric markers on the ground to assist with aerial surveys of the rail corridor. Markers will be removed after completion of the aerial survey. Surveyors may also need to conduct conventional topographic surveys of some features along the corridor.

Noise/Vibration Monitoring

Staff may enter the property to place sound or vibration monitoring equipment. The equipment would be left in place for a period of days to record noise and vibration caused by passing trains. At the end of the sampling period, the equipment will be removed.

Other Site Surveys

Staff may enter the property to observe site conditions, land use, and other features, evaluate potential impacts of various alternatives, or to access other property.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000

Charles A. Kilpatrick, P.E.
Commissioner

April 22, 2016

Ms. Jennifer Mitchell
Director
Virginia Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, Virginia 23219

RE: Authorization to Enter Property in Commonwealth of Virginia for Transportation Purposes

Dear Ms. Mitchell:

I am aware that the Virginia Department of Rail and Public Transportation (DRPT) is working to develop improved rail service in Virginia and there is a need for DRPT employees and others to access property for purposes of project development activities. As such, I am writing to provide authorization to enter property in the Commonwealth of Virginia pursuant to § 33.2-1011 of the *Code of Virginia* to DRPT and others working on the project development activities. Authorization to enter property is hereby given for the representatives listed herein from the following organizations: HDR Engineering, Inc., Moffatt & Nichol, Parsons, Dovetail Cultural Resource Group, and Rice Associates. Names of authorized individuals from each organization are listed below.

HDR Engineering, Inc.

| | | |
|-------------------|------------------|------------------|
| Stephen Armstrong | Katherine Grady | Eric Mularski |
| Robin Bedenbaugh | Karen Harrington | Adeel Mysorewala |
| Daniel Baum | Kohlton Heiter | Mike Parsons |
| Kanchan BK | Brian Hendricks | Jordan Pitt |
| Jennifer Brown | Julie Hicks | Mathew Reardon |
| Adam Buck | Gina Jarta | Chris Riviere |
| Carey Burch | Stan Karpinski | Zachary Stacy |

| | | |
|-------------------|---------------------|------------------|
| Bashar Callas | Tim Kearney | Kathleen Staskin |
| Tim Casey | Kennedy Kyei-Mensah | Ryan Tinsley |
| Chad Chandler | Kevin LaGreca | Maria Trejo |
| Roshé Copeland | Steve Lorek | Claudia Walsh |
| Pieter Dahmen | Hunter MacDonald | Paul Weishar |
| Elliott Dick | Jason McMaster | Jeffrey Wiegand |
| Riam Firouz | Laura Meadows | Carey Wilson |
| Nicolas Frederick | Michael Mo | |
| Brian Giles | John Morton | |

Moffatt & Nichol

| | | |
|---------------|---------------|----------------|
| Greg Brickman | Andrew Hayes | Andy Payne |
| Chase Brown | Trent Huffman | Brian Pease |
| Eric Burke | Wayne Hyatt | Margaret Ray |
| Terry Coker | Mike Knott | Jeff Reck |
| Ben Dawes | Jeremy Kraft | Matt Shaver |
| Jason Field | Barry Lloyd | Nick Smilek |
| Jon Gage | J.P. Martucci | Eric Vugteveen |
| Stephen Hanes | Gray Modlin | Leah Young |

Parsons

| | | |
|-------------------|-------------------------|-------------------|
| Katherine Astroth | Danielle Gresham | Margaret Moore |
| Rebecca Chojnacki | Victoria Guobaitis | Randy Norris |
| Kevin Chrisman | Kelly Hyland | Rebecca Porath |
| Melanie Delion | Jennifer Wiley Kleinman | Caroline Rice |
| Luke Eggering | Allyson Kriney | Margaret Rockwell |
| Michelle Fall | Rachael Mangum | Joseph Steindam |
| Kevin Flynn | Amanda Molsberry | Byron Williams |

Dovetail Cultural Resource Group

| | | |
|-----------------|--------------------|-------------------------|
| Emily Anderson | Bill Liebeknecht | Earl Proper |
| Kerri Barile | Morgan MacKenzie | Michelle Salvato |
| Joe Blondino | Chris Manning | Nicole Sauvageau |
| Emily Calhoun | Sean Maroney | Catherine Schlupp |
| Mike Carmody | Bryce Matheny | Emily Taggart Schricker |
| Kristi Chase | Olivia McCarty | Anna Simpkins |
| Ella Farahvashi | Kevin McCloskey | Caitlin Sylvester |
| Joe Farenski | Curtis McCoy | Heather Staton |
| Kerry Gonzalez | Jennifer McDonough | Theresa Ulrich |
| Brad Hatch | Rebecca McGovern | Lex Vanko |
| Mike Klein | Stephen Mohs | Lenora Wiggs |
| Adriana Lesiuk | Danae Peckler | |
| Jonathan Lewis | Jeff Phillips | |

Rice Associates

| | | |
|--------------------|------------------|----------------------|
| Grant Austin | Charles Johnson | Todd Schuster |
| Stephen Bettius | Wesley Kramer | Kevin Self |
| Geoff Briggs | Leslie Laconia | Matthew Self |
| Roberto Calmet | Roger MacDonald | Jordan Shear |
| Shannon Carter | Gary McCullough | Randy Stowers |
| Jeremy Coley | Mark Morgan | Michael Taylor |
| William Combs | Eric O'Connor | Maynard Tinsman, III |
| Frank Daniels | Peter Partridge | Stephen Tolison |
| James Douthit | Anthony Pinelli | Chris Volz |
| Ora Edwards | Robert Poulin | Kevin Waters |
| Curtis Eure | Jonathan Profitt | Trenton Werwath |
| Obadyah Foord | David Rice, III | Terry Widener |
| Joseph Jodoin, III | Dwayne Sawyer | Graham Williams |

DRPT

| | | |
|-------------|-----------------|---------------|
| Pete Burrus | Jeremy Latimer | Randy Selleck |
| Jacob Craig | Cheryl Openshaw | Emily Stock |

This authorization is given subject to the following conditions:

1. All requirements of § 33.2-1011 of the *Code of Virginia* shall be complied with, including but not limited to exercising care to protect any improvements, growing crops, or timber as required by § 33.2-1011, not entering any property until notice is given to the property owner by mail not less than 15 days prior to the first date of the proposed entry. A copy of § 33.2-1011 is attached.
2. This authorization is specifically limited to activities within the scope of the High Speed Rail Grant Agreement Number FR-HSR-0093-11-01-00, which was entered into by DRPT and FRA on October 1, 2011.
3. DRPT agrees to pay all costs incurred by or assessed against the Commissioner of Highways, or have them paid by the contractor's insurance, for damages under § 33.2-1011(E), including any actual damages to real or personal property resulting from entry upon the property, reasonable attorney fees, court costs, and expert witness fees, in connection with the entry for which permission is given in this letter.
4. DRPT shall ensure that General Liability Insurance is maintained in the amount of \$2,000,000 to cover the risk of the activities authorized by this letter which names the Commonwealth of Virginia, the Department of Rail and Public

Ms. Jennifer Mitchell
April 22, 2016
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Transportation, the Virginia Department of Transportation and their officers, agents and employees as additional insurance for work relating to the HSR Agreement.

Entry onto lands by DRPT, its employees or agents pursuant to this authorization indicates acceptance of all conditions enunciated in this letter.

Sincerely,



Charles A. Kilpatrick, P.E.
Commissioner

By her signature below, the Director of the Virginia Department of Rail and Public Transportation (DRPT) warrants that she has the legal authority to bind DRPT on the matters set forth herein and that the DRPT accepts the conditions set forth in this letter.

Acknowledged and Agreed:

VIRGINIA DEPARTMENT OF RAIL AND
PUBLIC TRANSPORTATION

By:



Jennifer L. Mitchell
Director

Date:

5/2/2016

§ 33.2-1011. (Effective October 1, 2014) Right to enter on land to ascertain its suitability for highway and other transportation purposes; damage resulting from such entry.

A. The Commissioner of Highways, through his duly authorized officers, agents, or employees, may enter upon any land in the Commonwealth for the purposes of making examination and survey thereof, including photographing; testing, including soil borings or testing for contamination; making appraisals; and taking such actions as may be necessary or desirable to determine its suitability for highway and other transportation purposes or for any other purpose incidental thereto. Such officers, agents, or servants shall exercise care to protect any improvements, growing crops, or timber in making such examination or survey.

B. Notice shall be sent to the owner by mail, at the address recorded in the tax records, not less than 15 days prior to the first date of the proposed entry. Notice of intent to enter shall be deemed made on the date of mailing.

C. The notice shall include the anticipated date such entry is proposed to be made and the purpose of such entry. Any entry authorized by this section shall be for the purposes of making examination and survey thereof, including photographing; testing, including soil borings or testing for contamination; making appraisals; and taking such other actions as may be necessary or desirable to determine the suitability of such property for highway and transportation purposes, and shall not be deemed a trespass.

D. Notwithstanding the provisions in subsections A and B, nothing shall preclude entry prior to the anticipated date of entry specified in the notice if the property owner or his designated representative agrees to or requests a date of entry prior to the date of entry specified in the notice.

E. The Commissioner of Highways, through his duly authorized officers, agents, or servants, shall make reimbursement for any actual damages to real or personal property resulting from entry upon the property. In any action filed under this section, the court may award the owner his reasonable attorney fees, court costs, and fees for no more than three expert witnesses testifying at trial if (i) the court finds that the Commissioner of Highways maliciously, willfully, or recklessly damaged the owner's property and (ii) the court awards the owner actual damages in an amount 30 percent or more greater than the final written offer of the Commissioner of Highways made no later than 30 days after the filing of an answer in circuit court or the return date in general district court. A proceeding under this subsection shall not preclude the owner from pursuing any additional remedies available to the landowner.